

THE HON'BLE SMT JUSTICE T. MEENA KUMARI

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WRIT PETITION No. 22418 of 2003

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Dated: 23-11-2005

Between

N Daya Sagar Reddy, s/o. Late Sita Reddy

46 years, Ramnagar, Ongole

..Petitioner

And

1. The Chairman & Managing Director,

A.P. Transco, Somajiguda, Hyderabad

And 4 others

Respondents

THE HONOURABLE SMT JUSTICE T. MEENA KUMARI

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ORDER :

01. This writ petition is filed seeking a writ of Mandamus to declare that the action of the respondents in encroaching into the petitioner's residential plot in Sy.No.108/2

admeasuring 20 cents or 809 Sq. mts situated in Pelluru village, Ongole Rural, Ongole Municipality to erect high Tension Transmission towers without issuing any notice and without following Indian Electricity Act, 1910 and the Electricity (Supply) Act, 1948 as arbitrary and illegal.

02. The brief facts that are necessary for disposal of the petition are as follows:

It is stated in the affidavit filed in support of the petition that he petitioner is the owner of the schedule residential plot admeasuring 20 cents or 809 sq.mts in Sy.No.108/2 of Pelluru Village, Ongole Municipality. The petitioner on coming to know that the fencing to her plot was damaged and sand, metal and iron rods were dumped into her plot by the officials of A.P. Transco, to erect a H.T.V. tower without any notice to her, she gave a complaint to the 3rd respondent i.e., Divisional Engineer, Nellore Division (TLC Division, EHTL, Constructions), on 15-10-2003. By the time she gave complaint to the 3rd respondent, the workers of 3rd respondent dug 4 huge pits. She also addressed a letter to the District Collector, Ongole on 19-10-2003 by marking copies to the respondents 3 to 5, bringing to their notice that they have to follow the procedure as contemplated under the Indian Electricity Act, 1910 and Electricity (Supply) Act, 1948. It is also contended in the affidavit that the respondents' officials have not taken any action on her representations and they tried to lay the H.T.V. electrical wires through her lands which necessitated the petitioner to file the present writ petition. It is further stated that the action of the respondents is in violation of Sections 28 & 42 of Electricity (Supply) Act, 1948 and also Sections 12 to 18 of the Indian Electricity Act, 1910.

03. Heard the learned counsel for the petitioner.

04. Perused the record. The record reveals that while admitting the writ petition, on 23-10-2003, this Court granted Status-quo as on that date and the same is in force till today. However, in view of the above facts, it would suffice if the 3rd respondent is directed to dispose of the representation/complaint dt.15-10-2003 submitted by the petitioner herein, as expeditiously possible, preferably within a period of six (6) months from the date of receipt of a copy of this order and till such time, the status-

quo shall continue.

05. With the above direction, the writ petition is disposed of. No costs.

T. MEENA KUMARI, J

Dt. 23.11.2005

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23rd November 2003